# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	☐ U.S.
Jeffrey Mulinelli		Team # 4	201408693	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Thursday, 08/21/2014 1:35 PM		Inside of Bridge Park 2 - York Street and Jay Street		84	2/21/2016	2/21/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	Received at CCI	RB
Fri, 08/22/2014 5:00 PM		CCRB	Phone	Fri, 08/22/	2014 5:00 PM	
Complainant/Victim	Type	Home Addre	SS			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Cesar Valerio	24551	942885	084 PCT			
2. POM Joseph Swicicki	21546	947528	084 PCT			
Officer(s)	Allegation	Allegation		Investigator Recommendation		
A.POM Joseph Swicicki	Abuse: PO Joseph Swicicki stopped § 87(2)(b)					
B.POM Cesar Valerio	Abuse: PO Cesar Valerio stopped § 87(2)(b)					
§ 87(4-b) § 87(2)(g)						

## **Case Summary**

filed this complaint with the CCRB via phone on August 22, 2014. [encl. D1-D2]
On August 21, 2014, at approximately 1:35 p.m., say(2)(b) was stopped by PO Cesar Valerio and PO Joseph Swicicki, both of the 84 <sup>th</sup> Precinct, while sitting with a bicycle on a bench inside of Bridge Park 2, located at Jay Street and York Street in Brooklyn. The following allegations resulted from sitting with the officers.  • Allegation A) Abuse of Authority: PO Joseph Swicicki stopped say(2)(b)  • Allegation B) Abuse of Authority: PO Cesar Valerio stopped say(2)(b)  • Say(4-b) say(2)(g)  The investigation has determined that PO Valerio and PO Swicicki stopped say(2)(b) without the reasonable suspicion necessary to do so. It is therefore recommended that allegations
A and B be closed as substantiated
Results of Investigation
<u>Civilian Statement(s)</u>
Complainant/Victim: \$87(2)(b)  • At the time of the incident, \$87(2)(b) was a \$87(2)(b) old black male, standing 5'7" tall, and weighing 145 pounds. He has brown hair and brown eyes. \$87(2)(b) was born on \$87(2) and he was \$87(2)(b) old at the time of the incident.
CCRB Statement:  S87(2)(b) was interviewed in person on August 26, 2014 [encl.D3-D10]. His statement is summarized below.
On August 21, 2014, at approximately 1:35 p.m., \$87(2)(b) had been working on a bike that he placed on top of a bench inside of Bridge Park 2, which is located at Jay Street and York Street in Brooklyn. \$87(2)(b) had been working on the rear derailleur, a part which allows the bike to shift gears. None of the work that \$87(2)(b) did to the bike removed any brand names or markings. Though partially disassembled, the bike would have been able to roll if \$87(2)(b) wished to leave the park. None of the work that \$87(2)(b) performed on the bike removed any brand names or markings
was sitting about three feet from the bicycle and had stopped working on it. The bench that was situated behind a 5'0" tall chain-link fence and was about 75 feet from the street.  had numerous bags with him, as well as a ratcheting screwdriver with sockets and bits, 4" long nose pliers, and allen wrenches, but these tools were not in plain view. The tools rested on the bench between stages and his fleece sweatshirt. They were covered by fleece sweatshirt before he stopped working. Stages and his time, and he did not see any other civilians inside the park.

noticed an unmarked RMP, which he described as a black Chevrolet, drive toward him on a path that leads through the park. \$87(2)(b) recognized the driver from a previous incident on April 17, 2014 and identified him as PO Cesar Valerio. The officer in the front passenger seat, identified by the investigation as PO Joseph Swickcki, asked \$87(2)(b) "You still stealing bikes? You still stealing bikes? You stole it." PO Swicicki asked \$87(2)(b) to show him the bike lock. \$87(2)(b) showed PO Swicicki the U portion of the U-lock. PO Swicicki said that the lock was broken, and \$87(2)(b) said that it was not. PO Swicicki repeated that the lock was broken. PO Swicicki questioned \$87(2)(b) from within his car for about 35 seconds.
PO Swicicki exited his vehicle, approached \$\frac{867(2)(0)}{20}\$ and asked him for the bike lock. \$\frac{87(2)(0)}{20}\$ described PO Swicicki as a white or Hispanic male in his late 30s or early 40s with short, straight brown hair, standing approximately 5'9" tall. PO Swicicki wore a t-shirt, shorts, and sneakers. \$\frac{87(2)(0)}{20}\$ provided PO Swicicki with both parts of the U-lock. PO Swicicki then asked \$\frac{87(2)(0)}{20}\$ for the key, and \$\frac{87(2)(0)}{20}\$ produced it from the pocket of his fleece jacket. PO Swicicki put the key into the lock and turned it. The lock was not broken.
PO Valerio exited the RMP, and PO Swicicki walked closer to the bike and inspected it for about 40 seconds. PO Swicicki and PO Valerio stood on the same side of the fence as \$87(2)(b) and they stood on either side of him. PO Swicicki asked \$87(2)(b) "Hey, are you homeless?" \$27(2)(b) replied that he was. PO Swicicki asked \$87(2)(b) where he lived, and \$87(2)(c) answered, "Homeless." PO Swicicki requested \$87(2)(b) s ID, which he provided. PO Swicicki looked at \$87(2)(b) s ID and asked where he lived. \$87(2)(b) hesitated, but eventually stated, "Homeless". PO Swicicki said, "I'm asking you a question and you're hesitating. What, you don't know where you live?" PO Swicicki asked \$87(2)(b) how long he lived at the address on his ID, and \$87(2)(b) did not answer. PO Swicicki held \$87(2)(b) s ID for about one minute but did not check for warrants
PO Valerio asked \$87(2)(b) "You remember me? Me and my partner arrested you." Respectively replied that he knew that PO Valerio remembered him. PO Swicicki went to his RMP and retrieved a pad. PO Swicicki asked \$87(2)(b) where he got the bike from, and \$87(2)(b) replied that a friend gave it to him. PO Swicicki asked \$87(2)(b) for his friend's name and place of residence, and \$87(2)(b) provided the requested information, which he believed PO Swicicki wrote down.
PO Swicicki touched the chain which was hanging on the bike seat. He said that there was no drive chain on the bike and told that it was stolen. The replied that he was working on it. PO Swicicki then said, "I can't prove that you stole this bicycle so I'm going to leave you alone, but I wrote down the information off it. If anyone reported it stolen" PO Swicicki did not say what he would do if the bike was stolen. PO Swicicki's tone of voice was loud and accusatory, but he did not yell. He questioned for 15 to 20 minutes.
PO Swicicki walked away and told \$87(2)(b) "See you at the CCRB." \$87(2)(b) asked PO Swicicki if that was why he came. \$87(2)(b) had an interview with the CCRB \$87(2)(b) and thought that the officers may have been notified in regards. PO Swicicki said, "I'm not stupid." PO Swicicki and PO Valerio then left the scene and did not have any further interaction with \$87(2)(b)

#### **NYPD Statement(s):**

### Subject Officer: PO JOSEPH SWICICKI

- At the time of the incident, PO Swicicki, of the 84<sup>th</sup> Precinct, was a [87(2)(6)] -old white male standing 6'0" tall and weighing 185 pounds. He has brown hair and brown eyes.
- On the day of the incident, PO Swicicki was assigned to 84th Precinct Anti-Crime with PO Cesar Valerio. He was dressed in plainclothes, and was assigned to RMP number 325, an unmarked black Chevrolet Impala. He worked from 9:05 a.m. until 5:40 p.m.

## Automated/Handwritten Stop, Question, and Frisk Report

PO Swicicki and PO Valerio stopped \$87(2)(b) on August 21, 2014, at 1:35 p.m., on the corner of Jay Street and York Street on suspicion of petit larceny. \$87(2)(b) was stopped because he fit a description, was in possession of a bicycle with a broken lock, and made furtive movements. Additionally, the time of day and location had a high incidence of bike thefts, and an investigation was ongoing in regards. \$87(2)(b) was known for taking bikes from the area. \$87(2)(b) gave evasive or false answers to the officers' questions during the stop, which lasted 3 minutes [encl. E3-E5]. Event number 11974 was generated in regards.

#### Memo Book

PO Swicicki's memo book contained the following entries for this incident. At 1:35 p.m., PO Swicicki stopped \$87(2)(6) at Jay Street and York Street on suspicion of petit larceny. \$87(2)(6) was known for bike thefts in the area and was in possession of a bike with no chain and a broken lock. \$87(2)(6) was not frisked or searched [encl. E1-E2].

#### **CCRB Statement**

PO Joseph Swicicki was interviewed at the CCRB on Monday, September 29, 2014. [encl. E6-E8] His statement is summarized as follows.

On the day of the incident, PO Valerio and PO Swicicki were driving on York Street when they observed \$87(2)(b) sitting with a bike on a park bench inside of Bridge Park 2. PO Valerio was driving, and PO Swicicki was in the front passenger seat. There was a small, 25 foot wide fence in front of \$87(2)(b) and a taller fence behind him. The officers observed \$87(2)(b) from a distance of about 15 feet, and PO Valerio recognized \$87(2)(b) from his arrest \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had with other Anti-Crime officers in the 84<sup>th</sup> Precinct, but he had not seen \$87(2)(b) from conversations he had w

PO Swicicki wanted to determine if it matched any bike that was reported stolen. The officers had not received a report of a stolen bike that day, but PO Swicicki stated that there had been a pattern of bike thefts in the Dumbo section of Brooklyn, an area that falls within the 84<sup>th</sup> Precinct. PO Swicicki stated that \$87(2)(6) had been arrested for bike thefts a few times in the 84<sup>th</sup> Precinct, and he knew this because he had spoken to other officers from the 84<sup>th</sup> Precinct about \$27(2)(6) He wanted to be certain that the bike belonged to \$87(2)(6) and did not "fall into his

lap" as in \$87(2)(b) s previous arrests. PO Swicicki also wanted to obtain information about the bike in case it was reported stolen in the future.
The officers drove into the park and stopped their RMP a few feet away from \$87(2)(b) The small fence was between the officers' vehicle and \$87(2)(b) From within their car, either PO Valerio or PO Swicicki asked \$87(2)(b) "What's going on?" PO Valerio and PO Swicicki then identified themselves as police officers and exited their vehicle. The officers walked toward and stood on the same side of the small fence as \$87(2)(b) PO Swicicki stood to the right of \$87(2)(b) and PO Valerio stood to the left. \$87(2)(b) recognized PO Valerio from his previous arrest.
PO Swicicki asked \$87(2)(b) provided his ID, and he asked \$87(2)(b) where he lived and where he was going. \$87(2)(b) provided his ID to PO Swicicki who held it for about 3 minutes as he wrote the information in his memo book. PO Swicicki asked \$87(2)(b) where the drive chain and lock for the bike were, and \$87(2)(b) did not provide an answer. PO Swicicki thought it was strange that the chain which drives the bike was missing. \$97(2)(b) did not say that he was working on the bike, and PO Swicicki did not see any tools in the area. Neither PO Swicicki nor PO Valerio asked \$87(2)(b) for the lock chain because it was in plain view. Either PO Swicicki or PO Valerio asked \$87(2)(b) was cooperative initially, but became more irritated as the officers asked him more questions about the bike. Although \$87(2)(b) was uncooperative at this time, PO Swicicki did not recall specific details regarding what \$87(2)(b) said or did that seemed uncooperative. PO Swicicki asked \$87(2)(b) where he got the bike from, and \$87(2)(b) stated that it was his bike. PO Swicicki was not aware of any bike reported stolen which matched the description of \$87(2)(b) s bike. PO Swicicki did not tell \$87(2)(b) ("I can't prove that you stole this bike so I'm going to leave you alone." He did not accuse \$87(2)(b) ("I can't prove that you stole this bike so I'm going to leave you alone." He did not accuse \$87(2)(b) ("I can't prove that you stole this bike so I'm going to leave you alone." He did not accuse \$87(2)(b) ("I can't prove that you stole this bike so I'm going to leave you alone." He did not accuse \$87(2)(b) (stealing the bike, and he did not tell \$87(2)(b) (stealing the bike, and he did not tell \$87(2)(b) (stealing the bike, and he did not tell \$87(2)(b) (stealing the bike, and he did not tell \$87(2)(b) (stealing the bike, and he did not tell \$87(2)(b) (stealing the bike, and he did not tell \$87(2)(b) (stealing the bike, and he did not tell \$87(2)(b) (stealing the bike, and he did not tell \$87(2)(b) (stealing the bike, and he did not tell \$
was not arrested or summonsed, and the entire incident lasted approximately 5 to 10 minutes, including the officers' observations prior to approaching \$87(2)(b) \$10 \$10 \$10 \$10 \$10 \$10 \$10 \$10 \$10 \$10
PO Swicicki was presented with a computerized copy of the UF250, which he reviewed. Although PO Swicicki did not enter the computerized UF250, he stated that it was accurate given his recollection of the handwritten UF250 he prepared in regards to this incident.
On the UF250, PO Swicicki stated that the circumstances leading to the stop included furtive movements, possession of a complainant's bicycle with a broken lock, and sate of a description. PO Swicicki elaborated on these statements, and revealed that sate of a description of a description. PO Swicicki elaborated on these statements, and revealed that sate of turned his back toward the officers when he saw them drive down York Street. PO Swicicki did not see an actual bike lock at the scene, but was referencing the broken lock chain. fit the description because he is known to the 84th Precinct as a bike thief. PO Swicicki also cited the following additional factors on the UF250: a high incidence of reported offense in the area, the time of day and week correspond to criminal activity, a close proximity to the scene of the suspected offense, evasive, false, or inconsistent answers to officers' questions, an ongoing investigation, and the knowledge that sates bicycles from the area. PO

Swicicki stated that area in which there is a high incidence of bike thefts is the Dumbo section of Brooklyn, and not Bridge Park 2 specifically. Early afternoon is when bike thefts most commonly occur, as owners will chain their bikes to posts on the sidewalk when they are at work and find them missing later in the afternoon. The ongoing investigation included bike thefts in the 84th Precinct and not \$87(2)(b) specifically. \$87(2)(b) did not answer PO Swicicki when he asked where he got the bike from.

## **Subject Officer: PO CESAR VALERIO**

- At the time of the incident, PO Cesar Valerio, of the 84th Precinct, was a 887(2)(b) -old Hispanic male standing 5'11" tall, and weighing 185 pounds. He has black hair and brown eves.
- On the date of the incident, PO Valerio was assigned to 84th Precinct Anti-Crime with his partner, PO Joseph Swicicki. He was dressed in plainclothes and was assigned to RMP number 325, an unmarked black Chevrolet Impala. He worked from 9:05 a.m. until 5:40 p.m.

#### Memo Book

PO Valerio's memo book contained no entries for this incident [encl. E9-E10].

**CCRB Statement** PO Valerio was interviewed at the CCRB on Thursday, September 18, 2014. [encl. E11-E12] On the date of the incident, PO Valerio and PO Swicicki were driving on York Street when they observed § 87(2)(b) seated on a bench behind a small fence inside of Bridge Park 2. PO Valerio saw § 87(2)(b) first, and recognized him from his arrest § 87(2)(b) . PO Valerio observed him sitting on a bench with a bike on the ground in front of him from 35 feet away and did not know what he was doing with it. PO Valerio was driver of the vehicle, and he decided to drive into the park toward § 87(2)(b) PO Valerio chose to approach \$37(2)6 because he and his former partner, who was PO Francis Ainoo at the time, arrested § 87(2)(b) § 87(2)(b) , for stealing a bike. PO Valerio did not receive a report of a stolen bike, and he did not observe \$87(2)(b) doing anything that would indicate that he stole the bike. From within the RMP, PO Swicicki asked \$57(2)(0) "How are you doing?" §87(2)(b) responded, "What the fuck do you guys want?" PO Valerio and PO Swicicki immediately got out of the car and pulled out their shields. asked for their names and shield numbers, and both officers provided the requested information. When PO Valerio approached, he was able to see that § 87(2)(b) was fixing the bike, and several pieces of it were on the ground. There was nothing about § 87(2)(b) activities that suggested to PO Valerio that he was stealing the bike rather than fixing it. PO Valerio did not recall if the bike had two wheels attached. The fence that § 87(2)(b) on was open on both sides, and PO Swicicki and PO Valerio each stood at one opening. PO Valerio noticed that \$87(2)(b) had an open backpack near him, but he did not see what was inside of it. He did not specify the exact location of the backpack, and he did not see any tools or bike locks at the scene. Either PO Valerio or PO Swicicki asked § 37(2)(b) what he was doing there and if the bike belonged to him. § 87(2)(b) said that the bike was his. Neither PO Valerio nor PO Swicicki

asked \$ 37(2)(b) where he got the bike from or accused him of stealing it. They did not ask \$

§ 87(2)(b) to produce his lock, key, or ident	tification. Neither officer touched any of the bike parts.
PO Valerio did not question § 87(2)(b)	about an iPad, but during his testimony he did remember
that § 87(2)(b) s iPad was vouchered d	uring his arrest § 87(2)(b)

#### **NYPD Documents**

## **Event Information and Chronology**

Event number D14082111974 was generated on August 21, 2014, at 1:39 p.m., for an investigation of a possible crime by a suspicious person [encl. F1-F3]. At 1:45 p.m., the 84<sup>th</sup> Precinct Anti-Crime unit prepared an unspecified report.

#### **Other Evidence**

On September 29, 2014, at approximately 3:00 p.m., field work was conducted for case 201408693 at Bridge Park 2, which is located at Jay Street and York Street in Brooklyn. Photos of the location were taken with a Kodak 10.2 megapixel digital camera. The following facts were revealed as a result.

Both PO Valerio and PO Swicicki testified that structured was situated against the rear fence of the park. The bench is partially enclosed by a fence that was 31'0" wide and 6'0" tall. The fence is open on both sides, but it features a 45 degree bend which caused the opening on the right side to be significantly smaller than the opening on the left. Each opening was measured from its fencepost to the chain link of the fence on the back wall of the park. The opening on the right side measured 3'5" in width, while the left side opening measured 7'9". There were leaves growing from the rearmost fence which cut the width of each opening by at least 6". Photos 1 through 3 and photo 5 show these openings [encl. C2-C4, C6].

It was also revealed that any vehicle driving by on York Street would be approximately 50 feet away from the bench sat on. In photo 5, which was taken just outside of the fenced in area, Inv. Patrick Yu and Inv. Chelsea Yogerst, both of the CCRB, can be seen standing inside of the park. In this same photo, an unidentified black male walked by on the sidewalk outside of the park. Due to the distance and visual distortion created by the chain link fence, his face appeared unrecognizable. Photos 11 and 12 further illustrate this point [encl. C12-C13]. Photo 11 was taken from just behind a car which was parked on York Street. Inv. Jeffrey Mulinelli of the CCRB was seated on the bench, was wearing grey pants, a bright blue shirt, and glasses, and had a 16' tape measure and note pad at his side. In Photo 12, which was taken from just outside the enclosing fence, Inv. Yu and Inv. Yogerst were standing behind a black Toyota Camry parked on York Street. The chain link fence distorts the view in photos 5, 11, and 12, and the identifying features of individuals or objects cannot be discerned any of the aforementioned photos.

## **Summons/Arrest for Incident and Disposition**

• §87(2)(b) was not arrested or summonsed during this incident.

Status of Civil Proceedings  • As of October 30, 2014, no notices of claim have been filed on behalf of \$87(2)(b) [encl. H1]  Civilian(s) Criminal History  • \$87(2)(b)] \$87(2)(c)]  Civilian(s) CCRB History  • \$87(2)(b) has previously filed CCRB complaint \$87(2)(b)
<ul> <li>Subject Officer(s) CCRB History</li> <li>PO Swicicki has been a member of the service for 6 years, and there are no substantiated CCRB allegations against him [encl. B1]</li> <li>PO Valerio has been a member of the service for 7 years and there are no substantiated CCRB allegations against him [encl. B2]</li> </ul>
<u>Conclusion</u>
Investigative Findings and Recommendations  • Allegation B) Abuse of Authority: PO Joseph Swicicki stopped \$87(2)(b)  • Allegation B) Abuse of Authority: PO Cesar Valerio stopped \$87(2)(b)  It is undisputed that PO Swicicki and PO Valerio observed \$87(2)(b) from York Street as he sat on a bench with a bike inside a fenced enclosure at the rear of the Bridge Park 2. It is also undisputed that PO Swicicki and PO Valerio stood between the fence openings and \$87(2)(b) during the interaction.
stated that he had been working on a bike, which was on the bench with him, but no tools were visible at the time of the incident. The area in which \$87(2)(6) sat was partially enclosed by a fence which was 6'0" tall and 31'0" wide. The fence is open on each side but has asymmetrical openings due to a 45 degree bend on the right side. The opening on the left was 7'9" wide, while the opening on the right was 3'5" wide. PO Swicicki and PO Valerio drove through the park and approached \$87(2)(6) PO Swicicki accused \$87(2)(6) of stealing the bike and stated that the lock was broken. He then asked \$87(2)(6) to provide the bike lock and key, and \$87(2)(6) complied. PO Swicicki inserted the key and turned the lock. PO Swicicki questioned \$87(2)(6) for 15 to 20 minutes, and during this time he touched the lock chain that was hanging from the bike's seat. Prior to leaving the scene, PO Swicicki told \$87(2)(6) that he could not prove that the bike was stolen, but he had taken down its information. \$87(2)(6) was not arrested or summonsed.
PO Swicicki testified that, from a distance of 15 feet, he observed a broken lock chain hanging from the seat of the bike. The officers drove into the park and questioned [87(2)(b)] PO Swicicki asked [87(2)(b)] where the bike lock was, but [87(2)(b)] did not respond. Although the officers had not received a report of a stolen bike that day, PO Swicicki's suspicion was raised

information about the bike to determine if it was stolen. PO Swicicki stated that he observed from a distance of 15 feet, but the investigation determined the actual distance to be approximately 50 feet, including two chain link fences situated between and the officers.
PO Valerio testified that he and his partner, PO Swicicki, drove by on York Street and observed from a distance of 35 feet. PO Valerio recognized from a previous arrest he had made, and he chose to approach served because he is known to the 84 <sup>th</sup> Precinct as a bike thief. PO Valerio did not corroborate PO Swicicki's testimony regarding a broken lock chain, and he stated that the only reason he and PO Swicicki exited their RMP was because seemed irate and cursed at them. PO Valerio testified that he did not see anything which suggested that served had stolen the bike.
An encounter is raised to the level of a stop if an individual is "physically or constructively detained by virtue of a significant interruption of his liberty of movement as a result of police action." <u>People v Cantor</u> 36 N.Y.2d 106 (1975) [encl. A1-A6]. An individual's arrest history and presence in an area with a specific crime pattern do not provide a basis for the reasonable suspicion. <u>People v. Johnson</u> 64 N.Y.2d 617 (1984) [encl. A7-A10].
PO Valerio and PO Swicicki stood at either end of the front fence and questioned \$87(2)(b) for 3 to 5 minutes. PO Swicicki stood between \$87(2)(b) and the smaller, 3'5" opening. If he wished to leave the scene, \$87(2)(b) would have been required to roll his bike past PO Valerio, who had previously arrested \$87(2)(b) as he stood in the way of the 7'9" opening. \$87(2)(g)
§ 87(2)(g)
\$ 87(2) (g)
• § 87(4-b) § 87(2)(g)

because §87(2)(b) is known to the 84th Precinct as a bike thief, and he intended to obtain

§ 87(4-b) § 87(2)(g)			
Team:			
Investigator:			
Signature	Print	Date	
· ·			
Supervisor:		<del></del>	
Title/Signature	Print	Date	
Reviewer:			
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